

REMARKS

By the present amendment, Applicants elect with traverse to pursue prosecution of Group I (claims 1-29 and 48-51), elect with traverse to prosecute the invention of Species I, amend claim 30, and add new claims 48-51. With this amendment, claims 1-51 are currently pending in the application. A check in the amount of \$472 is enclosed to cover these additions and amendments and the requisite two month extension fee for a large entity. The Patent Office is authorized to debit deposit account 11-0855 if it determines additional fees are due.

ELECTION

The Action maintains that the application contains claims directed to four patentably distinct inventions: Group I (claims 1-29); Group II (claims 30-42); Group III (claims 43 and 44); and Group IV (claims 45-47). The Action further maintains that the claims of Groups I and II are directed to four patentably distinct species, Species I-IV.

The Action requires the Applicants first to elect a Group, and, if Group I or II is elected, further to elect one of Species I-IV. Accordingly, Applicants hereby elect the claims of Group I (claims 1-29 and 48-51) for prosecution in this application. Applicants make this election with traverse, and without prejudice to the presentation of the claims of Groups II-IV in later applications. Applicants further elect with traverse to prosecute the invention of Species I, wherein the additive treatment comprises an additive emitting jet. Claims 1-11, 16-19, 21, 24-27¹, and 48-51 are directed to Species I.

¹ The Application clearly teaches an embodiment of the "electrostatic additive treating means" of claim 27 that uses an additive emitting jet. *See, e.g.*, Paragraphs 59-64. Thus, claim 27 fairly reads on Species I.

Restriction Requirement

Applicants elect Group I with traverse and request reconsideration and withdrawal of the restriction requirement. The subject matter of claim 30, directed to a device, has been incorporated into new method claim 48. In order to properly examine claim 48, the Examiner will have to search the recited device. Examination of elected Group I will necessarily require the same field of search necessary for examination of Group II. The presence of both inventions in a single application therefore imposes no undue burden on the Examiner. More specifically, in order to properly search and examine claim 48, the Examiner must search in the animal processing art for devices having features recited in both claims 30 and 48. Moreover, other claims of Group I and II also recite similar features requiring the same field of search. *Compare* Group I claims 9, 12, 13, 16, 20, 22, 49, 50, and 51 *with* Group II claims 34, 36, 37, 38, 40, 39, 31, 32, and 33, respectively. The presence of Group II claims 30-42, directed to a device for treating meat products, thus imposes no undue burden on examination, and restriction for examination purposes is improper.

Similarly, examination of elected Group I will necessarily require the same field of search necessary for examination of Group III, drawn to a meat product packaged in packaging material having at least one additive, and Group IV, drawn to a packaging material for meat products having at least one additive. Claim 20 of Group I recites packaging a meat product in a packaging material provided with additives. Claim 43 of Group III recites a meat product packaged in packaging material provided with at least one additive. Claim 45 of Group IV recites a packaging material for meat products having at least one additive. Thus, in order to

properly examine claim 20, the Examiner will have to search the recited meat product in packaging material of claim 43 and packaging material of claim 45. The presence of these inventions in a single application therefore imposes no undue burden on the Examiner. More specifically, in order to properly search and examine claim 20, the Examiner must search in the animal processing art for meat products wrapped in packaging material provided with additives, features recited in claims 20, 43, and 45. The presence of Group III claims 43 and 44, directed to a meat product packaged in packaging material having at least one additive, and Group IV claims 45-47, directed to packaging material for meat products, thus imposes no undue burden on examination, and restriction for examination purposes is improper.

Because Applicants have shown that restriction of Groups I-IV is improper, withdrawal of the requirement and examination of all of the claims is respectfully requested.

Election Requirement

Applications elect Species I with traverse and request reconsideration and withdrawal of the election requirement. The Action has failed to show that a different field of search would be required for Species I-IV, and, at least for this reason, has failed to establish sufficient cause for requiring the election. *See* MPEP 808.02. Should the Examiner's search fail to uncover prior art applicable to the elected species, Applicants assume that the Examiner will expand the scope of his search to cover the non-elected species.

Marked-up copy of amended claims pursuant to 37 C.F.R. § 1.121(c)

30. (Amended) A device for treating meat products, in particular poultry and parts thereof, comprising:

a. a conveyor device having a plurality of meat-product holders which are displaceable along a track[, wherein the meat-product holders securely hold the meat products]; and

b. additive-adding means for adding at least one additive to the meat products, wherein the additive-adding means are arranged along the track and subject the meat products held by the meat-product holders to an additive-adding treatment adapted for the meat products.

-- 48. (New) The method of claim 1, wherein the conveyor means comprises a conveyor device having a plurality of meat-product holders which are displaceable along a track and wherein the additive treatment means are arranged along the track. --

-- 49. (New) The method of claim 1, further comprising observing with detection means at least one parameter of the meat products before the meat products are treated with the at least one additive. --

-- 50. (New) The method of claim 49, wherein the detection means comprises a weigher for weighing the meat products. --

AMENDMENT AND RESPONSE TO OFFICE ACTION
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-- 51. (New) The method of claim 49, wherein the detection means comprises a camera for
detecting the external shape and dimensions of the meat products. --